

IN THE SUPREME COURT OF OHIO

State of Ohio, <i>ex rel</i>	)	CASE NO. _____
SHAWN WEILER	)	
P.O. Box 470363	)	
Broadview Hts., OH 44147	)	
	)	
Relator	)	
	)	
v.	)	ORIGINAL ACTION IN
FRANK LAROSE	)	MANDAMUS
180 S Civic Center Dr.	)	
Columbus, OH 43215	)	
	)	
Respondent	)	
	)	

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COMPLAINT IN MANDAMUS

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**IN THE SUPREME COURT OF OHIO**

State of Ohio, *ex rel*  
SHAWN WEILER

CASE NO. \_\_\_\_\_

Relator

V.  
FRANK LAROSE

# ORIGINAL ACTION IN MANDAMUS

Respondent

Now comes Relator who does hereby file his Complaint in Mandamus.

## JURISDICTIONAL ALLEGATIONS

1. Relator is an elector of Cuyahoga County, Ohio.
2. Respondent is the Secretary of State of the state of Ohio of the United States of America with all duties imposed upon him by **law**.
3. This Court has jurisdiction.

## DEFINITIONS

4. For the purposes of this complaint, the term “**law**”<sup>1</sup> means an ordinance of reason for the common good, made by the authority that has the care of its jurisdiction, and promulgated.
5. For the purposes of this complaint, the term “**unjust law**” means an ordinance of injustice promulgated in contradiction to **law**.
6. For the purposes of this complaint, the term “**severable**” means that only portions of an alleged written **law** are **law**.

<sup>1</sup> Bold text indicates terms defined in the DEFINITIONS section.

7. For the purposes of this complaint, the term “**legal**” means in conformity with or permitted by **law**.
8. For the purposes of this complaint, the term “**valid**” means having **legal** force.
9. For the purposes of this complaint, the term “**determine**” means to decide conclusively and authoritatively.
10. For the purposes of this complaint, the term “**canvass**” means to inspect votes officially to **determine** their **validity**.

#### GENERAL FACTUAL ALLEGATIONS

11. The Ohio Constitution, in its entirety, is **unjust law**.
12. The Ohio Constitution is **severable**.
13. The Ohio Revised Code (“R. C.”), in its entirety, is **unjust law**.
14. The Ohio Revised Code is **severable**.
15. The **lawful** election duties of Respondent are found in R. C. 3501.05.
16. R. C. 3501.05 states, in part: “(EE) Perform other duties required by **law**.”
17. R.C. 3505.35 states, in part:

“When the secretary of state has received from the board of elections of every county in the state Form No. 2, as provided for in section 3505.33 of the Revised Code, the secretary of state shall promptly fix the time and place for the **canvass** of such abstracts, and the time fixed shall not be later than ten days after such abstracts have been received by the secretary of state from all counties. The secretary of state shall notify the governor, auditor of state, attorney general, and the chairman of the state central committee of each political party of the time and place fixed. At such time and in the presence of such of the person so notified who attend, the secretary of state shall **canvass** the abstracts contained in said Form No. 2 and shall **determine** and declare the results of all elections in which the electors through the entire state voted.”
18. On November 7th, 2023 A. D., the electors in the state of Ohio voted on an **unjust law** in the form of a proposed amendment to the Ohio Constitution entitled State Issue 1: A Self-

Executing Amendment Relating to Abortion and Other Reproductive Decisions

(“Amendment”).

19. Respondent has unofficially publicized on his official website that a majority of Ohio electors have voted in favor of its passage.

20. The Ohio Constitution states, in part:

“Any proposed **law** or amendment to the constitution submitted to the electors as provided in section 1a and section 1b, if approved by a majority of the electors voting thereon, shall take effect thirty days after the election at which it was approved and shall be published by the secretary of state.” (Article II, Section 1b).

21. At some point in the future, Respondent will certify the result of this election.

22. Respondent does not know that the Amendment was unconstitutional.

23. So the result is irrelevant.

24. As it wasn’t within the **lawful** power of the people to propose it.

25. R. C. 2921.45 is a criminal **law**.

26. It states, in part : “(A) No public servant, under color of the public servant’s office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right.”

CLEAR LEGAL RIGHT

27. Pursuant to the Ohio Constitution, Relator has the legal right to the equal protection of the **laws**, especially with regards to the inalienable right to life and the defense of life.

CLEAR MANDATORY DUTY ENJOINED BY **LAW**

28. Respondent has the clear mandatory duty enjoined by constitutional **law** to respect the inalienable rights of the people through his official actions.

ABSENCE OF AN ADEQUATE AND PLAIN REMEDY IN THE ORDINARY COURSE OF

**LAW**

29. There is no cause of action established by statute in the Ohio Revised Code for Relator to utilize.

#### COUNT I: DERELICTION OF DUTY

30. Relator for purposes of this Section Count I: Dereliction of Duty does hereby incorporate by reference herein Paragraphs 1 through 29 as if fully restated herein.

31. Respondent will derelict from his duty.

WHEREFORE Relator demands the following judgment against the Respondent as follows:

1) Upon Count I, for the issuance of a Peremptory Writ of Mandamus mandating that Respondent shall either refuse to certify or decertify the elections results with regards to the Amendment.

2) Costs;

3) Any other and further relief as the Court may judge reasonable and just under the circumstances.

*/s/ Shawn Weiler, Shawn Weiler, Relator*

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